

For the
Human Side

of the
Indonesian Story

See pp. 3, 12, 17, 27

for the
Humans } side

of the
Indo-European } font
See pp. 3, 15, 17, 21

THE OTHER SIDE
OF THE MEDAL

Addresses delivered

by the Netherlands Representative

in the Security Council of the United Nations,

Mr. E. N. van Kleffens,

during the discussions of the Indonesian Question

(July 31 — August 26, 1947).



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FOREWORD

On July 21, 1947, the Netherlands Government, recognizing that further negotiations with the Government of the Republic of Indonesia would remain futile, began enforcement action in the territory of the Republic.

The name "Republic of Indonesia" tends to create the impression that its territory extends to the whole of the Indonesian Archipelago. That is not so. The Republic's territory comprises only the islands of Sumatra and Java with the adjacent smaller island of Madura. It does not comprise all the rest of the Archipelago, where since 1946 two other states have come into being—that of Borneo, whose territory is the island of that name, and East Indonesia, consisting of Celebes, the Lesser Sunda Islands, the Moluccas and scores of other larger and smaller islands.

The map appended to this little volume shows this clearly.

On March 25, 1947, an agreement was signed in Linggadjati between the Netherlands Government and the Government of the Republic of Indonesia providing for the early federation of East Indonesia, Borneo, and the Republic. The voluntary acceptance of this Agreement by the Republican Government seemed to point to a co-operative attitude.

In fact, however, this Government, which never succeeded in establishing real authority, failed to establish tranquillity in its territory, failed to set hostages free, allowed violence to reign, encouraged attempts to bring East Indonesia and Borneo under the domination of the Republic, and generally led the country to economic ruin.

When all hope of improvement had clearly become unfounded, the Netherlands Government, which as the sovereign power is responsible for peace and order if the local authorities do not act, reluctantly came to the decision that enforcement measures were unavoidable. It was this action which gave rise to the discussions in the Security Council of the United Nations, which adopted the resolutions printed at the end of this little volume.

On July 30th, 1947, the acting representative of Australia on the Security Council drew the Council's attention to the situation prevailing in the territory of the Republic of Indonesia (i.e. Java, Madura, and Sumatra); the same was done on that day by the permanent liaison officer of India.

The Council, considering that circumstances required an immediate discussion of the question, without granting the usual delay of three days, proceeded to discuss the substance of the letters of the acting representative of Australia and of the permanent liaison officer of India in its meeting of July 31st.

The first question which arose was whether representatives of the Republic of Indonesia should be admitted to the Council table. With regard to this suggestion, the Netherlands representative said:

"I wish to thank the Members of the Security Council for the opportunity accorded us to present our point of view, without vote. I take the liberty of asking to be heard at this early stage because the question of admitting representatives of the Republic of Indonesia to this Council table seems to me to prejudge the whole question at issue before this Council at this time.

"What is the Republic of Indonesia? I wish to remind the Council that this is a misleading name. Indonesia is that whole archipelago reaching from Sumatra in the West to New Guinea in the East, in which at the present moment there is not only the Republic of Indonesia, which comprises geographically only the islands of Java and Sumatra and is not designed to comprise any more than that, but there are also the States of Eastern Indonesia, comprising Celebes, the Moluccas, the Lesser Sunda islands and a number of other islands in the east of the archipelago, and also the State of Borneo. These two States are destined, together with the Republic of Indonesia—which, I cannot repeat often enough, comprises only the islands of Java and Sumatra—to be affiliated, associated, and federated into something which, according to the agreement of Linggadjati—with which the Council, I take it, is familiar—is to be called the 'United States of Indonesia.' That State-to-be, and no other state in those regions, is, according to that agreement which bears the signature of the representative of the Republic of Indonesia, to be a sovereign, democratic State on a federal basis.

"The Republic of Indonesia, no more than the State of Eastern Indonesia or of Borneo, is no sovereign State. It never has been a sovereign State. It is a political entity to be affiliated ultimately with the two other States I have named, and to be part of a federation. It has a Government which is only *de facto*. But a Government of what? Of the sovereign State? No, not of a sovereign State, but a State in the nature of—I mention this with all due respect to these States with which the Republic of Indonesia, plus Eastern Indonesia and Borneo, is comparable—let us say, New York or Utah or New South Wales or Paraiba in Brazil, or a State of the

United States of Venezuela. I submit, that being so, there is no justification for asking a political entity of that kind to be admitted to this Council table.

“I may recall, to complete the picture of the true legal status of the Republic of Indonesia, that it was founded as a political weapon by the Japanese in Saigon. The present President of the Government of the Republic of Indonesia, Mr. Soekarno, was summoned to Japanese Headquarters just before the capitulation of Japan and was ordered there to found or establish this political entity, which he did. I repeat that it has never been recognized as a sovereign State by anyone. The Government has only received *de facto* recognition for what it is—namely, an entity to be affiliated and federated with these two other States when the time comes—and we hope that will be very soon indeed.”

In the afternoon of the same day (July 31st), Mr. van Kleffens made the following statement :

“It will be my endeavour to try to show the Council that, although this is a case admittedly of military action, it is a form of military action with which this Council has no concern.

“If, then, the President will allow me to speak on the resolution as it now stands, I should like to point out, first, that the military action which is at present, much to our regret—I must stress that—being taken in Java and Sumatra, is being taken not only with the full backing of all the political parties and all the trade unions in The Netherlands, with the sole exception of the communists, but also—and this seems to me extremely important—with the full understanding and approval, which have been voiced in public, of the Governments of the two fellow States, if I may use that expression, of the Republic of Indonesia—namely, Eastern Indonesia and Borneo. This action has been undertaken with the prior knowledge of the two sister States of Indonesia. I am not revealing any secret when I say that the two Governments of these two States—and I use the word ‘States’ in the sense of states to be merged into the federation, not sovereign states—of Eastern Indonesia and Borneo have asked us more than once to take that action at an earlier time, but we have been anxious to exhaust every possibility of avoiding a clash before taking these measures.

“What was it that made us take this action in Java and Sumatra, and what is the true nature of that action? The Council will recall that, in the Linggadjati Agreement, many points were settled about the future nature of the United States of Indonesia and the form in which the United States of Indonesia-to-be would be affiliated with the Kingdom of the Netherlands under the House of Orange. However, this Agreement did not settle—although it was supposed by us that it went without saying—such matters as the cessation of the loathsome practice of keeping hostages. The Republic of Indonesia went on to behave as a sovereign state, which the Linggadjati Agreement itself said it was not—in other words, no more

direct agreements with other states. It did not settle that there would be no more blockade of territories held by Dutch troops in such areas as Batavia, Semarang and Surabaya and elsewhere; that there would be at least an observance of the truce which has been signed at the end of last year and on account of which we have had innumerable complaints in respect of violation of that truce.

"I heard only yesterday that this matter was to be put before the Council, and it appeared a little later that this was to be done with unprecedented haste. I do not complain at all about that haste, but I hope the Members of the Council will understand that for that reason it has not been possible for me to bring before this Council and lay upon the Council table the wealth of documentary material which I shall be glad to present to the Council at a later stage if the Council so desires. to reinforce my statements. I have asked the Government of the Indies for documentary evidence of more than one thousand violations of Armistice which have come to our knowledge.

"All these points the Council looked for in vain in the Linggadjati Agreement. They are not mentioned there. But it goes without saying that if there was to be constructive co-operation on the basis of that Agreement—co-operation of which there was no trace, or hardly any, in the real sense of that word, everything being promises and disavowals and evasions and words, words, words—if then, there was to be constructive effort, at least the hostages should have been freed. Here I may mention—and these are the latest data that are at my disposal—that by the end of June there were still seven hundred white hostages being kept there, and about ten thousand other hostages. I ask the Council to realize what that means. They were people who, almost all of them, had been kept in Japanese concentration camps ever since the islands of Indonesia had been overrun by the enemy, and these concentration camps rank with the most dreadful which this earth has seen in the course of the last fifteen years or so.

"These people might rightly have expected, when V-J day came, that they would at last be set free, but they were not set free. They were kept by the Government of the Republic of Indonesia most of the time in circumstances of great squalor. I submit to the Council that, as the London Times wrote one day, the keeping of hostages is a practice which is inconsistent with the principles of any government that calls itself a civilized government, even if it is only the government of a state in the sense I have described, and not a sovereign and independent State.

"About foreign relations, there was no cessation of endeavors to make agreements with other States, in spite of the fact that Article 2 of the Linggadjati Agreement provides that the only sovereign state in those parts would be the United States of Indonesia—that is, the Republic plus Eastern Indonesia and Borneo, linked up together on the basis of a federation.

"The food blockade of the areas held by Dutch troops continued until we took this action. The hostilities against our troops continued unabated.

"All these points had been put before the Government of the Republic

time after time, and in a little while, for which I ask the Council's indulgence, I shall put documentary material before this Council on the basis of which that is made abundantly clear. But in spite of all our endeavours, nothing came of it—nothing at all.

“Let it not be said that this action was merely undertaken because we still continued to differ over one point in connection with the execution of the terms of the Linggadjati Agreement—namely, the constitution of a joint gendarmerie. Misrepresentation has been taking place here, as on other points, and I am very glad that at last we shall be given the opportunity to present our case here, which has been befogged to an incredible extent by forces of propaganda beyond our control.

“It follows, and I think this is pure logic, that if the questions I have just named, which were of the very gravest import to us and to everybody concerned—especially those poor hostages—were not regulated under the Linggadjati Agreement, the arbitration clause in that Agreement as such was not applicable to those questions. I should like to make the comparison with two people who agree to build a house. They make that agreement and say that if they disagree on the furniture or the general lay-out of the house they will submit those points to the better judgment of a third impartial party. But if one of the parties shows by his acts that he is not going to build at all, the arbitration clause clearly is not operative. So it was in the case of the Linggadjati Agreement, and that was the reason why there was no obligation at all on the part of the Government of The Netherlands to have recourse to arbitration.

“It may be asked why we did not resort to arbitration even if there was no obligation. I think our record shows that we have gone to the last limits of patience and forbearance before resorting to this action. I beg the Council to ponder, what would it have meant if we had resorted to arbitration? It would have meant more delay, more suffering, and no chance of bringing agreement closer within a reasonable time, and that is why, in view of all those considerations taken together, we decided reluctantly—but with the backing of the whole country and the wholehearted approval of the States of Eastern Indonesia and Borneo, to take this action.

“The chief characteristic of the Republic has been—and this is very pertinent to the discussion at present here in progress—that it had no authority at home. It was not obeyed. This is not because I say so, but because these are incontrovertible facts, and I shall make that clear to the Council if I may. Time and again emissaries of the Republican Government entered into discussions with representatives of the Netherlands Government. Many times they came to an agreement which they said they had to refer back to their capital. Though, of course, we gave every possibility to them for referring back these agreed points to their authorities in the capital, invariably—or at least in very many cases—they were disavowed on the spot.

“Moreover, undisciplined troops and lawless armed bands continued to range the countryside, living on the population on the land, in other words by terrorizing the inhabitants. We know—and here again I shall

be happy to present documentary evidence, for which I have asked but which, owing to the circumstances, I cannot present at present—that many people, excellent elements, people of education, insight and experience, have received threats that if they ever fell into the hands of the Government of the Republic, measures would be taken against them.

“The average native has had more than enough of this. The people of Java are not an industrial proletariat. They are small landowners, there being a law which forbids any white person to have land there, a law which we made in order that the land should belong to the inhabitants years and years ago, to be quite correct in 1870. These people are peaceful folk, like everybody here in the United States or in the country of any other Member, and they ask for protection. They want to get rid of the Republic or at least of the Republican Government, because I must point out very clearly that we have nothing at all against the Republic as an institution. They want to get rid of that Republic, and that is the explanation of the fact that our troops have been so well received. You may say, ‘Ah, but we see in the papers all these stories about plantations being set on fire, etc.’ That may well be. But it does not undermine my statement in any way, because those are precisely the acts of those bands and disobedient troops of which I have just spoken, and to that I shall if necessary summon witnesses.

“Another word about those troops and their general character of lawlessness, and that is, why do they possess arms? They possess arms because the Japanese left those troops with arms when they had to surrender, leaving them as a thorn in our side, as a sort of time bomb, if I may use that expression, to create trouble after the defeat of Japan. Those arms have been accepted, and unfortunately they have been used in an irregular manner.

“In other words, an intolerable situation has arisen on all sides. The administration of the Government degenerated visibly. Profitseekers, people who have taken over houses which did not belong to them, and so on were those who sought to extend its existence. They were the vested interests of that Republican Government. There was nothing which seemed to point to an improvement. The people, the honest, common agricultural folk of Java and Sumatra, could no longer be abandoned to their oppressive government, a government which has at all times had a totalitarian character, I may add. The President, who was placed in power by the Japanese, saw fit to arrogate to himself the fullness of public authority, dismissing ministers at will without appointing others in harmony with the Parliament of the Republic and acting as if he were the sole authority in the State.

“Now, I want to give you an illustration of this action we have been compelled to take. In the spring of this year, there were troops of ours along the perimeter of the area held by Dutch troops around the city of Surabaya. This place had the somewhat difficult name of Modjokerto.

“Troops of the Republic of Indonesia razed houses to the ground against the will of the inhabitants because no one likes to have his house

razed to the ground, practiced the scorched earth policy there, ravaged rich rice lands and generally created havoc in that area. They opened dikes and locks so that areas that were urgently needed for cultivation in the interests of feeding the population were made unfit for that purpose.

“Of course, we could not tolerate such wanton destruction. Our troops went in and met with very little opposition. Our troops, to the happiness of the inhabitants, restored order, closed the dikes, repaired the locks, and saw that the people could live there without being molested. Now, did we ask that the Republic should withdraw its authority there? No sir, we did not. On the contrary, we asked the Republican authorities, if they cared to, to continue not in the employ of the Netherlands Government but as Republican authorities.

“All we care about is that anarchy, chaos and lawlessness should cease and that the great masses of the people, on behalf of whom we act as the guardians of their security and true liberty, should at last be enabled again to live in peace.

“This is clearly not war. What we are doing now is Modjokerto on a large scale. We are compelled to do so by circumstances and much against our will, our bidding. This is not war. The best word we have been able to find for it—but I do not wish to quarrel about words—was ‘police action.’ I repeat that we do not wage war against the Republic. We shall be quite happy to continue negotiations with the Republic but we cannot go on with a government which is divided within itself, not obeyed by those under its *de facto* authority, and generally evasive, unconstructive and uncooperative.

“Is this the re-establishment of Colonialism as has been said here and there? It is not. Here, I must ask for credit. Judge us by our acts. We ask for your credit and we feel we are entitled to ask for your credit.

“What we want to do is to act with these people as partners. The time is past—and we know it well—for servants, under what, in earlier days, might perhaps justly have been termed ‘Colonial administration.’ Partners, not servants—that is what we want.

“Let us now analyze the relevant portions of the Charter against this background. The Charter was designed to operate between sovereign states. Article 2, paragraph 1 of the Charter says, ‘The Organization is based on the principle of the sovereign equality of all its Members.’

“I beg to observe that no state is eligible for membership which is not a sovereign state. Let me add that in Committee I, 1 of the San Francisco Conference in its report to Commission I, it was stated that sovereign equality includes the following elements:

“ . . . 2. That each state enjoys the right inherent in full sovereignty.’

“There is on the side of the Republic of Indonesia no question of full sovereignty. The sovereign power—and I think this has never been disputed yet—is The Netherlands whose Government has difficulties with one of its constituent elements, not with an external element.

“We therefore contend:

“First, the Charter is not applicable to what is now happening in Java

and Sumatra; and

“Second, that although it seems to us that that contention is adequate to rule out action of any kind, including an affirmative vote on the Australian draft resolution now before us, we consider in addition that this is a matter essentially within the domestic jurisdiction of The Netherlands. Article 2, paragraph 7 of the Charter reads as follows:

“‘Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.’

“Now, I come to Chapter VIII. Assuming purely and simply for argument’s sake that the Charter is applicable—which I deny—to what is now taking place in Java and Sumatra, where then, I ask, is there any danger to international peace or security, let alone breaches of the peace or acts of aggression in defiance of the Charter? In what countries outside the Netherlands’ territory are there any signs of danger to peace caused by this action? Therefore, with regard to paragraph B of the Australian draft resolution, as I have already said, the Linggadjati Agreement is not applicable here. The Australian resolution says that we are invited ‘with the Indonesian Republic to settle disputes by arbitration in accordance with Article 17 of the Linggadjati Agreement. . . .’ Well, I have already said that I think that article is not applicable because of the facts that gave rise to this action.

“This does not mean that we are not anxious to proceed to a settlement with the Republic of Indonesia—Java and Sumatra—on the basis of the Linggadjati Agreement at the earliest possible moment. Very soon, we anticipate that conditions in Java and Sumatra will be such, thanks to our action, that discussions can be resumed with the Government of the Republic of Indonesia. Once order is restored, when the common man is free again to express his opinion and is not cowering under threats of lawlessness and chaos, we shall be happy to inaugurate such talks at once. This means that, I hope, our action will be concluded very soon. If a helping hand of some friendly power—for instance, of the United States of America—could be useful we shall be only too glad to avail ourselves of it.

“The Charter has its limitations. The Security Council has no right to extend its limits. If the Council thinks that the Charter is inadequate, let the United Nations write a better Charter. But let the Council not overstep the boundaries laid down in that Charter as it now fortunately or unfortunately is at present.

“As long as the text of the Charter is what it is today, it must be applied as it is. Some of us may regret that, but it is well-known the Charter was never meant to be a cure for all the evils and ills in this world.

“In one of his earlier statements this afternoon, I heard the representative of Australia mention that this was a matter of international concern. When I had the honour and privilege of being the representative of my country on the Security Council, I had occasion to hear that expression.

I heard that expression, if I recall, in the course of the discussion of the Spanish question about a year ago. I had occasion then to say that I could not warn the Council enough against the loose use of that expression. It does not figure in the Charter, and it is an easy way to let the Council assume responsibilities for which it has not been instituted. There are many matters of international concern which do not fall within the terms of the Charter.

“When there are internal disputes in any given states—federal or non-federal states—of a certain magnitude, public opinion is easily aroused, especially when there are questions of different races involved.

“Last year when the matter of British troops in Indonesia came up for discussion in the Security Council, I remember very well what I said on that occasion, when the Council decided it had found no reason for taking action—and this very largely on considerations identical with or akin to those which I have just advanced. I said that nevertheless my Government realized very well that the Indonesian people wanted to set up an autonomous state, and that that would meet with our wholehearted cooperation and approval. That struck a chord in many human hearts. It was for that reason alone that I undertook at that time to acquaint the Council with any agreement we would reach with the Republic of Indonesia. It was in order to keep that promise that the Linggadjadi Agreement was sent to the Security Council for its information in the beginning of this year, and for no other reason; we did not ask the Security Council to register it, as has been said in some newspaper. We have done nothing of the sort. It would have been entirely inconsistent with our attitude and with the truth of the matter at all times, had we asked this Agreement to be registered with the United Nations. No, we only kept our promise that this Agreement would be sent to the Council for its information—nothing more.

“We are faithful to the conviction that we understand this question not to be a matter for the Security Council to deal with, no more than when there is bloodshed and when troops are being sent to quell disturbances, let us say, in connection with a strike of any magnitude; in such a case also there may be casualties on both sides. Although that is our contention, we continue to realize that this matter interests many people in spite of the fact—and I must repeat it—that this is of no concern to the Security Council under the terms of the Charter as it reads.

“Therefore, I am glad to announce that my Government is going to invite a number of other Governments, to send a representative to Indonesia, and not only to the Republic, but also to Eastern Indonesia and Borneo, with the request that, as honest men, they will report their findings to the world.

“Much as it has been misunderstood and misrepresented, we feel our case is a simple, straightforward, honest case and we can afford to let the full light of publicity be shed on it.

“I hope that, whatever the Council does, it will think twice and even more often before it does anything that will lend comfort to lawless and

uncooperative elements and cause dejection and despair to those millions of people—and in Java alone there are forty million people—who expect that the day will at last dawn when constructive enterprise in the constitutional sense will at last take the place of chaos and terror.

“The responsibility of the Council in this case is a very heavy one. Do not be misled by those who brand our action as being directed against the forces of liberalism in Eastern countries. On the contrary, if the Council embarrasses our honest constructive efforts, the responsibility for failure in that upward movement in these regions will be the Council’s, not ours.”

When the Australian proposal was discussed, to the effect that the Netherlands Government and the Government of the Indonesian Republic should order their troops to cease fire, Mr. van Kleffens said :

“What I wanted to say on this occasion is that I have the very fullest respect and understanding for the generous impulse which prompts many Members of the Council to express the wish that hostilities should cease ; it coincides entirely with our own wish that they should cease at the earliest possible time.

“When that wish is expressed in a form which makes it look as if it is done as a matter of right, it makes it difficult for us, not only in regard to safeguarding our own position but in the interest of the Security Council itself, one of the principal Organs of the United Nations of which we are a Member. I therefore warmly applaud the idea just put forward by the representative of the United States, after the representative of France had initiated that idea, that some clause should be put in to reserve the legal position as to the competence of the Council. I think the Council will find that this will make matters a good deal easier and I therefore earnestly express the hope that it will be done.”

During the discussions of an amendment to the proposed Australian resolution offered by the representative of the Soviet Union, demanding that Dutch troops be withdrawn to the demarcation lines existing before July 20th, the Netherlands representative said, on August 1st :

“I must caution the Security Council very earnestly against accepting the Soviet Union amendment. The plain truth of the matter is that if our troops were withdrawn from the areas where they have now restored order, there would be, when the Republican bands returned, terrible acts of retaliation, to which a great number of people belonging to various races would fall victim.

"I therefore repeat that I must caution the Council very earnestly against the acceptance of this amendment. I want to declare here and now that if the amendment were accepted, my Government would bear no responsibility for certain things which are sure to follow and which the Council, I feel sure, would hereafter regret."

The Soviet amendment was rejected.

On August 7th, the representative of India gave in an extensive speech his views on the Indonesian question and on developments in Indonesia since the beginning of the Japanese occupation. As the next speaker, the Netherlands representative said:

"We have just heard a pretty full discussion of the internal affairs of the Kingdom of the Netherlands, a Member of the United Nations. That description was in very many respects accurate, not in all, but I do not think that the Council has jurisdiction to deal with these matters and therefore I shall refrain from going into these questions except in one sense, and that is this. I do not want the legend that we took action against the Republican forces because we could not agree on the *gendarmerie* to gain further credence. That has been said on many occasions; I repeat, because I said it last week, that it is not true.

"The reasons why we took that action were, as I said then, the following. Hostages were still being kept, not a point from the Linggadjati Agreement; the territories held by us were systematically starved and foodstuffs were prevented from being moved in, not a point from the Linggadjati Agreement; and hostilities did not cease, again not a point from the Linggadjati Agreement.

"I mentioned that we had evidence, and I am going to produce this evidence of more than one thousand infractions of the armistice signed in October last year.¹ Then there was the general impotence of the Republican Government to master those wild and lawless elements which were roaming the countryside and terrorizing the population, and coupled therewith were the chaotic conditions that prevailed in the territories under the nominal authority of the Republic of Indonesia.

"Order had to be restored in the interest of the people. We do not glory in that brief campaign; there is little glory to be reaped from police action, which as the Council knows is the best phrase we have been able to find for what happened.

"We do not, I repeat, want to destroy the Republic. All we want is to establish and maintain order, so that at least the Republican Government may be obeyed by its own so far lawless elements. Is it not hair-raising when one hears of the Republican Governor of Eastern Java, a physician, Dr. Moerdjani, report, according to a Republican newspaper

1) Presented to the Security Council on September 2nd, 1947.

called *Soeara Rakjat Kediri*, that no less than 13 per cent of the population of the island of Madura, which is almost one with Java and has a population of about two million, had died from starvation and that 27 per cent of the population are now in such a state of hunger oedema—an illness well known in the Slav countries on the continent of Europe—that they are beyond recovery? That is the kind of condition which forced us to take action. We could not face it any longer when such a situation prevailed.

“Let me quote a witness, who has given me his permission to mention this or any other portion from his report. He is Mr. Leslie B. Moss, Executive Director of the American Church World Service, a responsible organization created by the Protestant Churches of America to organize their aid to churches abroad.

“Mr. Moss says: ‘There are close observers of the situation who feel certain that the temporizing tactics of the Indonesians arise not so much from fear of the Dutch authorities as from the realization of their own unreadiness to provide experienced dealing with the hard tasks of state-manship and government. Whether this fact plays an important part in the situation can hardly be surely known, but in any case there is continued criticism between the two. My own feeling’—he has been on the spot—‘is that there is too much of the debating and bargaining psychology among the Indonesians and a genuine lack of comprehension of what the task of government over seventy million people involves. They discuss interminably, it seems, points in the agreement which they signed quite freely after they had participated in making it, but the points they discuss are the ones that are clear and precise; about the ones which are vague or general in their terminology, about which there could conceivably be grounds for differences of interpretation, they raise few questions in the field of clarification.’

“It is that sort of condition, and not disagreement on that one point of the joint gendarmerie, which was the reason for our action. I do not want that other story to gain ground.

“We also went in to help not only the Republic, but also such countries as Eastern Indonesia and Borneo. We want to help them—not oppress them—to overcome these growing pains on a basis of complete civic freedom and autonomy. We should like to help them federate into a United States of Indonesia. However, the Republic could not or would not desist from its aggressive tendencies. It wanted to eat up its neighbours and co-equals. I hope that you will have the occasion to speak with the representatives of Eastern Indonesia and Borneo, who will be here next week. When you speak with them you will be convinced that what I have said is so.

“The people of Eastern Indonesia and Borneo are out to preserve their own freedom, and they have refused to be part and parcel of the Republic of Indonesia which has consistently tried to swallow them up.”

On August 12th, the Security Council took up once more the discussion of the question of inviting a representative of the Indonesian Republic to appear before the Council. On this matter, Mr. van Kleffens said:

"I have already pointed out on July 31 that only representatives of sovereign and independent states, generally recognized as such, can be asked to participate in a discussion under Article 32 of the Charter.

"I submit again that the Republic of Indonesia is not a sovereign and independent state, generally so recognized.

"The Republic has explicitly recognized that fact. I have here before me the text of a letter addressed by the President of the Republic, Mr. Soekarno himself, to the American Government on July 10 of this year, in which he said:

'The Indonesian Government recognizes that during the transition period between now and ultimately on January 1, 1949, The Netherlands is to retain sovereignty and ultimate authority in Indonesia.'

"I submit that this is highly pertinent, Mr. Chairman, and I draw particular attention to the words 'retain'. You cannot retain what you did not possess previously. Even if—what is not quite clear—the Republic now repudiates the Linggadjati Agreement which provides for that interim-period to which Mr. Soekarno referred in the passage I have just quoted, The Netherlands must be deemed to have sovereignty and what Mr. Soekarno very rightly called 'ultimate authority' in the Republic. It is precisely on the basis and strength of that sovereignty and ultimate authority that we have taken the action which is retaining the attention of the Security Council.

"But let us suppose that all that were not so. Even then it seems to me indisputable that, if the Republic, repudiating Linggadjati, claims sovereignty, that sovereignty must find a basis either in conditions existing before Linggadjati or else in something which happened since Linggadjati. I beg to assert that neither before—nor after Linggadjati did the Republic fulfill the conditions which in international law should be fulfilled if there is to be any question of sovereignty. These conditions are:

"1. Governmental authority. This, in the case of the Republic, is singularly absent. It has become apparent time after time that, because of lack of authority, the Republican Government was unable to carry out engagements it had contracted. I refer to the numerous examples I have given on July 31 and again on August 7. I shall not weary the Council by repetition.

"2. The second condition for sovereignty is: a well-defined territory in which authority is exercised. Most especially before Linggadjati there was no such territory. At all times has the Republic shown aggressive and expansionist tendencies; its Government had the ambition to rule the whole archipelago, including large areas which refused to be dominated from Java. The very name of the Republic bears witness to that fact; the name 'Republic of Indonesia' is a program. Moreover, even in certain

areas which the Republic alleged already belonged to it, the population showed that it did not recognize its authority.

“3. The third condition is that there should be a population whose members are not at the same time nationals of an other state. It is a fact that the vast majority of the inhabitants of the Republic do not consider that they are only and exclusively citizens of the Republic. They know that they have also ties with the Kingdom of the Netherlands.

“In the hope of strengthening the Government of the Republic, we have recognized it in Linggadjati as exercising *de facto* authority in Java and Sumatra. Neither more, nor less. It has not been recognized by us as a *de jure* government.

“Still less has the *Republic* (as contrasted with the *Government* of the Republic) been recognized by us as a sovereign and independent state.

“It is surprising, in the light of these facts, that neither the Republic nor its Government has been recognized as a sovereign and independent state by any appreciable number of *other* governments. It may have made conventions with a few countries such as India, or Egypt, or Syria. If so, and leaving aside for the time being any discussion of the political *motives* of these few countries, I submit that this proves very little. What determines the situation is the fact that the Republic has not been recognized by any appreciable number of countries as a sovereign and independent state; in other words: it has not found that *general* measure of recognition which is beyond a doubt required if a state is to be treated as a sovereign and independent state by a body representing the generality of States such as the Security Council.

“The members of the Security Council do not sit here as the spokesmen of their own countries alone. The Charter provides that the members of the Council act on behalf of all the Members of the United Nations (Art. 24, first paragraph). Seen in that light, *no* member of the Security Council, not even one whose government has made some agreement with the Republic of Indonesia, has the right to disregard the fact that the vast majority of the members of the United Nations have *not* recognized the Republic as a sovereign and independent state.

“The Charter has only been written for dealings between fully recognized governments of States which had in turn been generally and fully recognized. If this rule is not adhered to, the door is open here to representatives to any usurper-government in *any* state, recognized or not recognized. Surely that has never crossed the mind of anyone in San Francisco or elsewhere. So long as (1) the state in question has not been generally recognized *de jure*, and so long as (2) a state so recognized has *not* a *de jure* government, it is not, it cannot be, a state in the sense of the Charter. It may be a most respectable state forming part of a federation, such as any state of the USA, or of Mexico, or of Venezuela, or of Brazil, or of Australia. Or it may be a nascent state. Or it may be a state which, because of patent and obvious weaknesses, does not, or not yet, inspire that *general* confidence which alone can win it general recognition as an independent or sovereign state. But it is *not* a State in the sense of the Charter.

"This is purely a legal question, Mr. Chairman, and I apologize if those who are more impressed with the human side of the question think that for once I have dealt only with the legal side of the matter. Let me reassure them. I shall have plenty to say on the human side later on.

"I conclude; no representative of the Government of the Republic can be admitted to participate in this discussion under Article 32 of the Charter, the Republic not being a sovereign and independent state generally recognized as such."

After the Council had decided, in spite of objections raised by a number of representatives, to extend an invitation to representatives of the Republic of Indonesia, Mr. van Kleffens said:

"To keep the record quite clear, I want to point out that I make no objection at all to the decision which has just been taken by the Council, for the reason that the President has made it clear that the decision was taken without prejudice of any sort and that the resolution was not based on Article 32 of the Charter or rule 39 of the rules of procedure. I do not wish to gag the Republic of Indonesia or to prevent it from giving information here and presenting its point of view. What I have been concerned with all along is merely the correct application of the Charter in a general sense and as far as the Republic of Indonesia is concerned.

"I have only one reservation to make, and that reservation is directed to the idea that Mr. Sjahrir be accepted here as Ambassador. I do not think that the State of Michigan, which the President has just mentioned, has Ambassadors, or that any state comparable to the Republic of Indonesia has Ambassadors. In that respect, therefore, I must make a purely formal, but express, reservation.

"I should also like to reserve for delegations representing the States of Eastern Indonesia and Borneo the right to present their views. They are on their way here, and I am very anxious that they should be heard at the same time as the representatives of the Republic of Indonesia. I do not want to see a situation arise in which the point of view expressed by the delegation of the Republic of Indonesia would not at once find its counterpart in statements by the representatives of its sister states, Eastern Indonesia and Borneo. The gentlemen representing these two latter states are on their way, as I have said, and I have every hope that they will arrive in New York on Thursday or Friday. I must very earnestly urge that, for the sake of impartiality, the Council not take up this question until these two delegations have arrived. They are using every possible dispatch. Because of the hazards of air travel, however, I cannot say with certainty whether they will be here on Thursday or will not arrive until Friday."

To a question put by the Australian representative, whether any government in the world has recognized *de facto*, *de jure*, or in any other way either of the two governments referred to, the Netherlands representative declared:

“My reply is that so far as I know, these Governments have been recognized for what they are; namely, Governments which are exactly on the same level as the Republic of Indonesia, by the Netherlands Government. If they have not been recognized by anyone else as such, that is only because no opportunity has arisen as yet. However, that does not preclude them from being recognized as such by anyone else.

“I submit that the question raised by the Australian representative is completely beside the point. What is at issue—and that is the stand of the Council to my understanding—is that anyone will be heard by the Council whose testimony will be of value to it in arriving at a conclusion. And there is not the slightest doubt that these people who are to be associated with the Republic of Indonesia in what ultimately will be the United States of Indonesia have a major interest to be heard and have a right to present their points of view just as much as the Republic of Indonesia.”

On August 14th, the Security Council discussed the proposal that representatives of the States of East Indonesia and (West) Borneo be invited to appear before the Council. Mr. van Kleffens made the following remarks:

“I think I can completely reassure those Members of the Council who wanted to know that the States of East Indonesia and Borneo, which is called West Borneo at the present time, are fully co-equal with the Republic of Indonesia. Article 4 of the Linggadjati Agreement, bearing the signature of the Republic of Indonesia together with the others, states that the component states of the United States of Indonesia shall be the Republic of Indonesia, Borneo and the Great East. That was the name then of what is now known as East Indonesia. East Indonesia and Borneo have all the public rights, prerogatives and duties which make them states able to take their place on a footing of complete equality with the Republic of Indonesia in the United States of Indonesia to be.

“In the case of the Republic there is this Linggadjati Agreement. In the case of the others there are constitutive acts just as, for instance, there was a constitutive act on the part of the United States which resulted in the independence of the Philippines. I think, therefore, that, legally speaking, this is completely in order, and surely if the United States of America could do what is a little more in respect of the Philippines, then we surely could do what is a little less, namely, to give full self-government to East Indonesia and Borneo.

“I want to point out that these people are vitally interested in this matter, more so perhaps because of proximity than the Philippines themselves. Must they be precluded from stating their views? I submit that at the meeting of the Council the day before yesterday, the President said that he was going to put to a vote only the matter of the invitation of the representatives of the Indonesian Republic who appeared before the Security

Council during the discussion of this question, without any definition or determination, and it was on that basis that the Council went along and admitted these representatives. Why should there be no definition or determination in the case of one but a painstaking scrutiny of text in the case of the other. I trust that these remarks will suffice to put at rest the minds of those representatives who still had any doubts as to the admissibility of these two states."

The proposal was rejected.

The same day, after the representative of the Indonesian Republic, Mr. Sjahrir, had spoken, the representative of China proposed that the meeting of the Council be adjourned. Thereupon, the Netherlands representative stated:

"I am very sorry. I do not want to be difficult but I am very anxious to speak tonight because at the end of what I have to say I have an announcement to make of some importance. I am very anxious for the meeting not to adjourn after only one of the parties has been able to state his case. I shall not be any longer than can be helped."

Nevertheless, the adjournment was accepted by the Council.

On August 15th, Mr. van Kleffens was the first speaker after the opening of the session. The Netherlands representative said:

"First of all, it is my duty to register on behalf of my Government a word of disappointment, complaint and protest in respect to the way in which the Security Council has dealt with what we consider perfectly reasonable requests on our part. Not all the points I have in mind were of equal moment, but they all point to the same thing—some reluctance on the part of the Council, to use no stronger word, in adequately safeguarding our interests.

"This first became apparent when, knowing that my Prime Minister wanted to speak to me on the telephone a fortnight ago, I asked for a two-hour suspension of the discussion because I did not know whether the premises on which I was basing the conduct of the case I have the honor to defend were still valid or whether they were not. This was debated and thereupon refused.

"The second point I have to complain of is the way in which the question of the admission of East Indonesia and Borneo was disposed of. When we dealt with the admission of the Indonesian Republic, the admission was expressly granted on the basis that there was neither definition nor determination of the Republic's status or of any provision or text on which the admission rested. Yet, when we discussed yesterday the admission of East Indonesia and Borneo, there was every attempt at definition and determination.

"I protest this, although I realize that it is for the Council and for the Council only to decide whether or in what measure it wishes to lay itself open to the charge that it uses, what the Belgian representative called the other day, two weights and two yardsticks, *deux poids et deux mesures*.

"I particularly complain about the fact that there were Members of the Council who said, without being contradicted by others, that the admission of people representing twenty million souls who have been elected by due democratic process as their spokesmen, 'might complicate matters' and should therefore be refused too. It goes without saying that in any lawsuit, the intervention of a third party, just like the hearing of witnesses, to a certain extent complicates matters. But is that, in any country when respect for law prevails, a reason to refuse its intervention or not to hear witnesses?

"I suggest that the Security Council is treading on very dangerous ground when it takes that road. Its reputation for impartiality cannot but suffer if it does.

"Finally, I was and am sorry that the Council at no unreasonably late hour refused to hear me yesterday. Far be it from me to question the Council's right to refuse me the opportunity to speak then. What I complain of is that in my own, and other people's judgment, my Government's case was thereby put at a disadvantage. Why all this?

"I shall now briefly advert to Mr. Sjahrir's statement. It undoubtedly was an admirable presentation of a case which is difficult to argue. Its basic weakness, of course, was that it consisted of a highly coloured chronology coupled with slogans such as that about the Atlantic Charter, and generalizations of a very imprecise character. It was, in other words, a plausible document addressed to uninformed opinion rather than a precise factual statement.

"I do not propose to discuss point for point the various allegations made by Mr. Sjahrir. I have asked my Government to do that in a public detailed statement, if they wish to make such a statement, and I have just been informed that they do.

"Let me just quote one example. It sounds very nice when Mr. Sjahrir says that his Government has accepted the offer of good offices of the United States of America. The truth is, as everybody knows, that that acceptance, if that word is not too much for what has happened, was so loaded and weighted with reservations and conditions that the United States so far have not shown that they consider that acceptance as an acceptance. It was reason for them, I believe, to send the United States Consul-General to the capital of the Republic of Indonesia, to ascertain exactly what they meant. I have not been informed that what they meant is perfectly clear and that it is as unequivocal an acceptance of the United States offer of good offices as, for instance, that of my Government which has no reservation or condition attached to it at all.

"What I want to do is to give you the grim and raw facts of conditions prevailing in the Republic, seen, not through the rose-tinted glasses Mr. Sjahrir had held up before you, but through the uncolored medium of stark reality. The territory of the Republic, in strong and striking contrast with

the autonomous states of Borneo and East Indonesia, has never ceased to be turbulent. Armed clashes between the more or less regular army, armed political groups, and armed bands owing allegiance to no one, occurred frequently. At present, Netherlands troops have the difficult task of safeguarding the population against terrorism by stray Republican troops and other armed bands in the territory we now occupy.

"It is a sad and striking fact that the Republican Government appears to be either unwilling or unable systematically to counteract this wanton use of force, this arbitrary violence. As a result of its inadequacy in this, as in other respects, the attitude of subordinate national Republican authorities, of their police and of influential citizens vis-a-vis these armed elements, is accordingly weak. And I may add here that evidence abounds that through the radio which they have at their disposal, and by word of mouth, so far from restraining, if they can restrain these troops and bands, they have on the contrary incited them to continued violence.

"The nature of the devastation wrought by the Republicans shows that there is system in it. It is largely directed against foreign property. The economic future of the country does not interest these wild elements at all. Just to give one example which I can multiply, they singled out for destruction, the world renowned sugar laboratory at Pasuruan, open to everybody and a veritable storehouse of information for the whole world regarding sugar botany and sugar industry. Devastation, arson and murder are the order of the day. The worst excesses seem to have taken place against the Chinese. But the indigenous population and the Eurasians suffer equal cruelty.

"The Netherlands authorities in Batavia have promised to send me photographic and documentary evidence of this at the earliest possible date. Meanwhile, they are doing all they can to help the stricken people, irrespective of whether they are of Dutch nationality or not, and to protect the others against violence at the hands of the Republican terrorists.

"The terrible nature of the acts of cruelty perpetrated by them discourages the indigenous population from openly expressing, together with their revulsions, their hope that thanks to our action, these bands will be brought under control. Even so, several cases have occurred of killing village chiefs and others who endeavored to establish law and order.

"It is greatly to the credit of these local authorities and also to that of a number of Republican officials, including especially in Eastern Java the police, that they have the courage to take personal risks in trying to establish order and public safety.

"It appears to be very difficult for many people to realize what are the grim facts of the situation and especially how widely it is at variance with the incessant statements of Republican propaganda. It is a regrettable fact that the cliché picture of poor Indonesians struggling to gain their freedom has taken possession of many minds and, yet, nothing could be more inaccurate.

"The inhabitants of the Republic can have that freedom any time just as the inhabitants of Borneo and East Indonesia have obtained it. All we

want is to end anarchy and chaos; in other words, it is not we, The Netherlands, who stand in the way of that freedom, it is the lawlessness which the inept Republican Government has never yet succeeded in controlling. That Government—and there are, I believe, thirty ministers in Mr. Soekarno's present cabinet—rests on people who have arms but who cannot control.

“There were, originally, many good elements amongst those who supported this Republican Government, but gradually, ultimate control was seized by others, less desirable people, until now, the affairs of the Republic are dominated in reality by those who during the Japanese occupation delivered thousands of their own nationals to the enemy to serve as slave labor; those who preached hate of all foreigners and incite to their wholesale murder, such as the Commander-in-Chief has done; those who organized ‘people's tribunals’ which caused to be put to death thousands of innocent people; those who have appropriated property belonging to others and who grew rich by theft, extortion and other corruption; the terrorists, the profiteers, the job-seekers and all those immoral and undisciplined elements who come to the surface in any widespread upheaval anywhere.

“I ask you, gentlemen, whom now do you want to help? These people? Or the decent citizens, those whom we are supporting? Already the Council's action, though impelled by generous sentiment, has given new hope, boldness and energy to the bad, and despondency to the vast majority.

“Why look at these fearful issues on which the future of so many millions depends through the distorting lenses of the inapplicable cliché which I mentioned a few minutes ago? Are the organs of the United Nations to be blinded by theories and generalizations? Or does the Council recognize that it must take the facts as they are, judging each case on its true merits?

“The Council knows best where its duty towards decency lies, but what it has not appeared to have understood is that, contradictory though it may seem, the Council's ‘cease fire’ has resulted in the murder of hundreds of innocent people. I beseech the Council to ponder that carefully.

“Fundamentally, what we have to contend with are remnants of Japanese ideology, Japanese methods, Japanese indoctrination. Do you think I exaggerate, Mr. President? Allow me, then, to call a witness whom I think no one will challenge; I mean Mr. Sjahrir.

“There was published in November 1945 by the Republican Information Service a pamphlet by Mr. Sjahrir entitled ‘Our Fight’ from which I beg leave to quote these passages:

‘In general, the secret Japanese societies, the “Black Dragon”, “Black Fan” and others originating from the Japanese Fifth Column, Kempei Tai, Kaigun and others, were strongly tuned to the spirit of our youth, and they have influenced their spirit to a certain extent, though in many cases our youth maintained their hate of the Japanese, but their hearts were unconsciously influenced by this Japanese propaganda; their attitude and their thoughts, even, were often similar to those of the Japanese.

‘Their enthusiasm is shown, in the first place, in the abhorrence of

foreign races, in reality indicated by the Japanese as enemies: the allied peoples, Netherlanders, Indo-Europeans of our own race, Amboinese, the people of Minalhassa, both our own race, the Chinese, and then—a word which I do not understand—the internal governments.

‘The aim was nothing else if need be than to hate the whole world with the exception of the Japanese. This was the situation before the declaration of the defense of Indonesia and these are also the raw materials for the construction of Free Indonesia.

‘When the State of Free Indonesia was proclaimed, the governors were mostly previous civil servants or helpers of the Japanese. This forms the obstruction to freeing our community of Japanese influence, which is dangerous to the mentality of our youth.

‘All unrest in the community was directed by our youth to aversion of foreign peoples present in our country, to marching with lances, that has now already grown into murder and robbery and other tendencies that, seen from the viewpoint of struggle from the social signifies nothing and is reactionary, as every fascist deed will always be reactionary. The late arrival of the Allied army to relieve the Japanese, who had no further desire to rule, gave a good opportunity to the State of the Indonesian Republic to establish the authority of the Indonesian Republic. This, however, has not had the desired effect.

‘The main reason is that the leaders of the Republic were not strong enough—many of them have been accustomed to bow and scrape for the Japanese or Netherlanders; their spirit is uncertain, and it is clear that they were not capable of acting and carrying responsibility. The second reason is that many amongst them feel an obligation towards the Japanese, who presented them with the preparations for a free Indonesia, and, finally, they took into consideration that, thanks to cooperation with the Japanese, they were able to take command. Therefore, it was possible, when the Japanese power lessened and later crumbled and, in addition, was not superseded by military Allied power, that the State of the Indonesian Republic could not organize their own national authority and seems to be an ungoverned State and an ungoverned people. The restless people have not yet had a training and did not yet know how the social problem stood in connection with the Government.

‘Through this, confusion was caused that increased more and more; in this State the people’s agitation had many undesired and not controllable results caused by persons who induced agitation. The murder and robbery of foreign people, understandable in these circumstances, proves clearly the weakness of the Government of the Indonesian Republic, which is not yet considered by the people to be a Government it has to take into account and has to respect.’

“Have I exaggerated? No more in this respect, as you will have seen, then, alas, in any other respect. Nowhere did we meet, in the course of our action, with people burning with indignation at what we were doing. On the

contrary, there was relief, although tempered with fear that the lawless elements might regain control. And they may regain control if the Security Council takes upon itself the dreadful responsibility of supporting the Republican Government as now constituted. Think of what that would mean to thousands of peaceful folk, indigenous and Chinese. Their blood will be upon you, not upon us. I go as far as to say that the Security Council may yet have to ask the Netherlands Government, on humanitarian grounds, and if the Members wish to face realities, to resume and complete our efforts to save the people from this unbeyed Government. Meanwhile, it goes without saying that we shall take all necessary measures to protect the public as best we can, conscious as we are of our responsibilities in this matter.

“Who is there who thinks that arbitration boards are, in these circumstances, anything but a cruel mockery, a hollow expedient? You can arbitrate differences of opinion with orderly and well-established governments such as those of Eastern Indonesia and of Borneo, but not with the unbeyed Government of the Republic which, as matters stand, would be unable to give effect to any awards made.

“This having been said, I come to the Australian draft resolution. That draft clearly implies that this Council has jurisdiction to hear this case. I submit that, having heard all the statements that have been made, the Council is now sufficiently enlightened to decide at last the previous question—*la question préalable*—the question which, by its very nature, must have precedence in this as in all other cases; that is, the question as to whether or not the Council has jurisdiction. I submit that we cannot go on day after day, meeting after meeting, as if the Council has any jurisdiction in this case at all, when there are grave doubts, to say the least of it, that the Council has any jurisdiction at all.

“This all important question of jurisdiction is implied in the Australian resolution. It sometimes seems to me that there are some Members of the Council who are inclined to make the United Nations act, even if it has no right to act, simply because people like the United Nations to act.

“The United Nations scored a success with the cease-fire invitation. You know that we accepted that on humanitarian grounds, not because we recognized the jurisdiction of the Council. We are glad when the Council is useful, but let the Council, and the governments represented on the Council, be content with that success. Let them not overstep the limits of the Council's jurisdiction. If the law does not give public authority the right to act, then public authority must desist from acting, even if the general public would like it to act. Anything else, I submit, is license, the arbitrary use of factual power. Let the Council beware of establishing such precedents, precedents which, in the course of time, may bother your country, just as my country may be bothered now. What may be hailed now as a triumph for the United Nations may well prove in the course of time to be the first step on the road to its ruin, for no public body will endure that oversteps the written limits of its own jurisdiction.

“What, may I ask, is your aim? That tranquility be restored in the

territory of the Republic, or is it your aim that some sort of role be played by the Security Council, even if the Council's jurisdiction is non-existent, or, at least, extremely doubtful?

"I should like to recall that the Netherlands Government has accepted the Council's wish that military action should cease, not because it recognized the Council's jurisdiction which it expressly did not, but because it wanted to take into full account the humanitarian motives which no doubt were the foundations of the Council's action. That is about as far as the Netherlands Government can go.

"We think it is a most dangerous precedent to see the Council being led step by step towards an assertion of full jurisdiction which it so manifestly does not possess. First, the Council was requested to ask for 'cease fire.' Now, the Council was asked to appoint a Commission to supervise this or that and to report on the situation in Indonesia. What will the next step be? Will the Council next be asked to pronounce upon the merits of the question which gave rise to our action? I submit that a very dangerous technique, a step by step technique, is being inaugurated here, a technique to which the Netherlands Government will not be a party.

"The Kingdom of the Netherlands is one of the original Members of the United Nations; and in conformity with Article 73 of the Charter, the Netherlands Government is responsible for the administration of a territory of which the Republic of Indonesia forms part. The Netherlands Government has undertaken, in full accordance with the principles of the relevant Chapter of the Charter—Number 11—to give, at an early date, full self-government to the peoples of Indonesia. In conjunction therewith, the Netherlands Government has undertaken to sponsor the United States of Indonesia, by virtue of the Linggadjati Agreement, for Membership in the United Nations. In spite of all the differences that have arisen, the Netherlands Government maintains unswervingly their firm resolve to carry this constructive constitutional program into complete effect, conscious of her primary and ultimate responsibility in this important matter.

"If, then, we hold that the Security Council should refrain from appointing a commission as suggested by Australia, this does not mean—and I want to stress these words—that our attitude in this matter is purely negative. I am authorized to say that the Netherlands Government is prepared to propose to the Republic of Indonesia that each—the Republic of Indonesia and The Netherlands—designate one state, these two states so designated to be asked to appoint one other state which is considered by them to be completely impartial. This impartial state, if it is willing, would then send a number of its nationals to Indonesia to enquire into the situation, to supervise the cease fire, and to see what conditions obtain there. It should be clearly understood that the report these people would make to their government would be given the very widest publicity.

"In case the Republic of Indonesia fails to accept unequivocally the good offices of the United States of America, this third truly impartial state could, at the same time, be empowered by the Netherlands Government and by the Republic of Indonesia to use its good offices for a twofold

purpose—firstly, to bring about the immediate resumption of discussions between the two parties; and secondly, to report on the situation as it has developed up-to-date. That is our first proposal which—I want to underline that—takes into full account the fact that some uncertainty still prevails as to whether we can make use of the offer of good offices so generously made by the United States of America or not.

“Now, the second proposal of my Government is that all the career consuls stationed in Batavia shall jointly and immediately—because the situation has an element of the greatest urgency—draw up a report on the present situation on the islands of Java, Sumatra and Madura so as to lose no time whatsoever. This can be done almost at once, and it should be done almost at once. We hope that in this way, an important contribution will be made towards obtaining an impartial and unbiased understanding of the actual facts and circumstances which my Government would warmly welcome. The Netherlands Government, therefore, is requesting those countries that have career consuls-general at Batavia to give the necessary instructions to this effect to their representatives. I hope that what I have described is clear and that the constructive character of these proposals will at once be seen.

“Now, I feel obliged to stress two further points in connection with these proposals. In the first place, we deem it only fair and equitable that if, at the resumption of discussions between the parties, the Indonesian Federation—that is to say, the United States of Indonesia to be—or any matter pertaining to that Federation is brought into the debate, the other member States of that Federation to be will be invited to take part in the discussion. That is a matter of common fairness. In the second place, I cannot state emphatically enough that it is not sufficient for the Government of the Republic of Indonesia to declare that they have given a cease fire order but that that order must become effective and be obeyed, which is not the case at the present moment; and at the same time, all subversive action on the part of adherents of the Republic of Indonesia must end and the Government at Jogjakarta must immediately stop their present campaign of incitement, by radio and by word of mouth, to such subversive action.

“It must be clearly understood by the Members of this Council that it is asking the impossible to expect that the Netherlands Government continue their observance in the strictest sense of their invitation to cease hostilities if, at the same time, the forces of the Republic are carrying on their open and subversive warfare.

“As I said, there still is the United States’ offer of good offices. We have accepted it without reservation. So far, the Republic, in spite of clever words, has not done that in so unqualified a way as is obviously necessary. It goes without saying that our acceptance will continue to hold good and any suggestion I have made as being acceptable and even desirable to us would, of course, be only acted upon in consultation with the Government of the United States, should their good offices be accepted unequivocally by both parties. If not, even then we wish to proceed with an investigation but not with an investigation ordered by the Security

Council, the Council having no jurisdiction. We are all for a commission or an investigation but we hold that the Security Council has not the right to establish one; this in the superior interest of a correct application of the Charter.

“To those Members of the Council who, in the Greek case, say that sending a commission cannot be tolerated because it constitutes an infringement of the sovereignty of Greece, I would say this: If you make that objection in the Greek case, how can you possibly advocate the opposite in the Indonesian case? Whatever the status of the Republic of Indonesia, everybody agrees, including the Republic itself—I refer to the letter I quoted from the other day written by Mr. Soekarno to the Government of the United States on July 10—The Netherlands still has sovereignty over Indonesia.

“In the Greek case, the sovereign power accepted the Commission. Nevertheless, some Members here say that there is infringement of sovereignty. They are literally *plus royaliste que le roi*. But if in their eyes this constitutes infringement of sovereignty, how much more serious is that infringement when, as in this Indonesian case, the sovereign power categorically objects not to a commission, but to a commission instituted by the Security Council.

“I think I have said all I have to say at this time. I only pray you to act quickly. Rape, murder and arson are the order of the day in the Republic of Indonesia, and many lives are being lost day after day, partly because of the unfortunate cease-fire invitation which you have given. That is an element, as I said, of great urgency.

“If you could finish your labors today, I would welcome it in the name of my Government, but in any case we are going to do something about it, and I hope that the Council will not decide that it should be the Council, itself, which should establish a commission.

“I have made constructive proposals. I hope that that points the way to the ultimate tranquilization of that unhappy area.”

On August 22nd, the Security Council discussed the second part of the Australian resolution, namely, the question whether the matter should be submitted to arbitration, i.e. a mode of settlement ending in a binding decision of arbitration. On this subject, Mr. van Kleffens stated:

“When the Australian resolution, in any of the variations now before us, not excluding the otherwise moderate Chinese amendment, is put to the vote, Mr. Chairman, each Member of this Council who casts an affirmative vote, states thereby implicitly that the Council has jurisdiction in this case. You cannot get away from that. In other words: no one can vote affirmatively for the Australian resolution in any of its shapes or forms who is not convinced in his conscience that, on the basis of the formal rules of the Charter, the Council *has* jurisdiction. A very important precedent is to

be established here today, or in the next meeting, a precedent which will stand in respect of future matters, and which will have an important bearing on all troubles which may arise in the future when a faction in any country, claiming to be a government, opposes the sovereign or paramount power.

"I have consistently tried, as the Council knows, to show that the Council has *no* jurisdiction. In view of the gravity of the moment permit me to recapitulate very briefly: *First*, because we consider that the Charter is applicable only to disputes between sovereign states generally recognized as such. *Secondly*, even if it is assumed that the Charter *is* applicable, we regard this matter as a *domestic* question which quite clearly does *not* endanger international peace. If there were such danger, the Secretary-General of the United Nations, in his recent report, could not have said that he saw no such particular danger. He would have mentioned *this* particular danger had he seen it.

"I know very well that an important element in this case is that the parties involved in the conflict are of different races, whereas in the American Civil War, for instance, that was not true. But, surely, difference of *race* is not a fact which gives the Security Council jurisdiction. If it were, we should soon see India sitting at this Council table and giving an account of race riots in numerous Indian cities, riots which have claimed many more victims than has our brief police action. Or else—that is, if the Security Council asserts jurisdiction—we shall see Hindustan and Pakistan at the Council table next month, with the Council taking upon itself to discuss their difficulties. There should not be two weights and two yardsticks.

"*Thirdly*—and then I shall have finished with the question of jurisdiction—assuming the Charter to be applicable to a case such as this—the Government of The Netherlands says that, it having become abundantly clear that there is *no* danger to international peace and security, Chapters VI and VII are not applicable.

"I should like to see what a Court of Law would think of this reasoning. Why should the Council consider confronting us with decisions which, resting as they would on a basis of excess of authority, would, as the representative of Belgium said the other day, be null and void and binding on no one?

"If, then, we hold that the Council has no jurisdiction, and for that reason it cannot adopt resolutions implying that it has, we also submit that this is no calamity, since there is no need for action by the Council. I am happy to announce that, since the Council discussed this question last Friday, my Government has approached the powers which have career consular officers in Batavia for the purpose of having those officers authorized to investigate and report on what is happening and what has happened in Indonesia. It may be interesting to the Council to know exactly who these career consuls are. They are consular officers of Australia, Belgium, China, France, Switzerland, the United Kingdom and the United States of America. There are certain other consular officers in Batavia, but

they are not career consuls, and we did not care to put consuls who are at the same time merchants into a position which they might possibly, or even probably, find a little difficult in their particular situation.

"Needless to say, these gentlemen will be given every facility, for we have nothing to hide and everything to gain from an unbiased investigation. Moreover, the generous offer of the United States of good offices having been withdrawn, our suggestion that an impartial power be designated by two appointee-powers, each chosen by one of the parties, still holds good, but the Republican Government has so far been mute in this respect.

"There is *nothing* more the Council can usefully do. All it can do—and I am sorry to say all it has done—plays into the hands of the extremists.

"As the Lieutenant Governor-General said over the radio two days ago, on August twentieth: 'We have stopped our action to reaffirm our willingness to try every method of minimizing the use of force, and to give the present Republican Government one more opportunity to revise its aggressive attitude and violent methods.'

"But the Republic interpreted our compliance with the Council's cease fire invitation as an admission on our part of military defeat, so that they could do as they pleased. Never was there such killing on the part of Republican troops and bands as since the Council's cease fire invitation.

"It is a strange and dreadful paradox that your cease fire invitation has had an effect diametrically opposed to your humane intentions. The number of our casualties since the cease fire invitation is fast approaching—if at this moment it has not already approached—that of our casualties during that fortnight of police action. But infinitely greater is the number of Chinese and civilian casualties. Must the Council now add to such dangerous resolutions? Does the Council really think that this increases its prestige?

"I ask the Council not only to observe its own law : the Charter, but also the realities : to see things as they are, and not as it thinks—or would like them to be. Do not let thoughts of how this Council could reap an apparent success come first—a success which would probably prove to be a boomerang. But rather let us wish to see this matter settled with as little bloodshed as possible. That is what we are offering the Council.

"What I want to stress particularly today in what may be a final word on my part is the conflict between illusion and reality. I want to say to the Council—and I trust I am not overstepping the limits of permissible candor—that all those who may feel inclined to vote for any draft resolution giving the Security Council a part to play in this affair, are laboring under an illusion which may prove to be very dangerous to the Security Council and its prestige.

"If the Council had allowed us to restore peace and justice, it would have seen a community longing for internal peace and justice, returning to work for themselves and for the world at large. That is the reality. But the Council chose to follow the illusion that its cease fire invitation would bring order and tranquillity. It failed because it did not realize what this Republican Government is really like.

“Is the Council going to make a second, and worse, mistake by solemnly ordering a commission to investigate to what extent its invitation is being flouted by the Republic? Does it really think that to do that is conducive to raising the prestige of the Council? That radio in Jogjakarta apparently is very persuasive, when I see how it has led the Council to take this Republican Government seriously.

“Allow me to say that that radio is about all that Republican Government has—a microphone, but no authority; a voice, but no allegiance; arms, but no administration; terror, but neither peace nor justice. *That* is the Republican Government which, to the astonishment of all those who are familiar with conditions out there as they are, is still being taken seriously here.

“A year ago, Mr. Sjahrir, then Prime Minister of the Republic, was successfully kidnapped. One of the chief kidnapers was imprisoned, was recently released without trial, and now is Minister of the Interior of the government Mr. Sjahrir serves, and in which Mr. Soekarno himself is now merely a tool in the hands of some sinister characters.

“That is the sort of government some Members of the Security Council seem still inclined to take seriously. The Council will decide its own course, but if it allows itself to become the dupe of such people, I am fearful for the future of the Security Council.

“Illusion as opposed to reality. If you create a commission to go there, whatever its task, what can it do? If you really want the fighting to stop, you must either send troops or allow us to bring about, together with freedom, that security for which millions there are yearning. What, after all, are we here for around this table? We are here, as we understand it, to make this world a slightly better place to live in, a little more secure, a little more prosperous, and a little more pleasant especially for the common man. Do you think that the way to make Indonesia happy is to uphold this Republican Government by giving it even more recognition and stature?

“Do you not realize that those inarticulate millions whose fate you decide, look up to you with fear and trepidation? It is pure illusion to think that the Government of the Republic represents anything but itself. It is pure illusion to think that they could carry out any arbitral award.

“The truth is that this Republican Government does not embody an *idea*, but only its own short-lived personal vested interests. *Our* idea is that of the great majority of Indonesians; to wit, freedom, self-government and federation for the constituent parts of Indonesia; that is what we *and* they advocate. With us, full implementation of the principles of Linggadjati remains a sacred trust. But what *you* have encouraged so far is a handful of men who, on a dictatorial basis, want to subjugate the whole of Indonesia to their domination.

“I asked you to hear the representatives of East Indonesia and of Borneo, but you refused them a hearing, on doubtful legal ground, it seems to me, which in any case you did not apply to the Republic, and because ‘it would complicate matters.’ It is strange to me, to see this Council, the chosen instrument of liberty, stifling liberty’s voice.

"This is a momentous decision for the Security Council to take. This issue is, in the domain of law : observance of the Charter or non-observance ; and in the realm of facts : a choice between illusion and reality. Those issues are so important that the world will watch your decision and its consequences with more than usual interest. Cast, then, your votes, and may your decision prove to be wise."

"I should like to comment on certain remarks that the President has made.*

"First of all, the President referred to the question of invitations to East Indonesia and Borneo. Since the representative of Belgium has submitted a formal proposal on that matter, I shall say only this : Since, in the case of the Philippines, a similar question was submitted to the Council twice and voted upon twice. I do not see why the same procedure cannot be followed in the case of East Indonesia and Borneo.

"A second question raised by the President was this : Are The Netherlands responsible for law and order in the Republic of Indonesia? * My reply is an emphatic 'Yes.' We are still the sovereign power there ; we have been recognized as being the sovereign power by everybody, including the Republic of Indonesia in its note of July 10, sent in reply to a communication from the United States Government, to which I have repeatedly referred. Legally, therefore, there is no question. As a matter of fact, does the President think that, after having lived with these people for three hundred years and more, we can see that country go to wrack and ruin and not step in to see to it that these people are protected from lawless elements?"

On August 26th, the Security Council discussed a Polish draft resolution to remind The Netherlands and the Indonesian Republic of the "cease fire" invitation issued by the Security Council on August 1st. In connection herewith, Mr. van Kleffens said :

"In order that the Council, and we ourselves, understand the exact

* The President had remarked : "As far as I understand the situation, the Indonesian Republic is a state *de facto* having the authority within its territory. If atrocities and irregularities and illegalities are committed by that Government, and in case that Government is solely responsible for public order within its territory, then it may be considered that these accusations come under domestic jurisdiction.

"But on the other hand, if the claim of the Netherlands Government is correct, that the Netherlands Government is still responsible for public order and for the safety of the country, and they are interfering to re-establish order, the matter may be considered differently.

"This matter is not very clear to the Council at the present time. The Council considered that under the Agreement, the Indonesian Republic is responsible for internal public order, and that it is to maintain it. The Indonesian Republic has its own administration and its own methods of dealing with matters within its territory and we have not heard any proof to the contrary in that respect, that the Netherlands Government is responsible for public order within the territory of the Indonesian Republic.

"I call this matter to the attention of the Council, and especially to the representative of the Indonesian Republic, in order to clarify this matter and reply to the accusations made by the representative of The Netherlands."

meaning of this proposal, I beg leave to ask a question of the Polish representative through the President. I raise this point because it brings out so very vividly the considerable difficulties of fact we have to contend with in Sumatra, Java and Madura.

"Ten days ago, intelligence reached our lines in northern Sumatra that Republican elements had herded together in a cemetery near a place called Pankalan Brandan approximately four thousand Chinese, without food, without water, without shelter of any kind, who were thus exposed to certain death.

"This place was outside our lines. Nevertheless, we decided to rescue these unfortunate people, although we knew that this would probably draw upon us the fire of Republican troops, as it did.

"My question now is this: Does or does not the Polish proposal now before us mean that henceforth we would have to abstain from similar rescue action? Four thousand lives were involved in this case. I hasten to add that I know very well that Polish soldiers, like our own, would not abstain. I have seen too much of their chivalrous disposition.

"I should like a straight answer to my question, and after that, I have a few more remarks to make."

The representative of Poland did not answer the pertinent question put by Mr. van Kleffens, but said:

"The representative of The Netherlands quoted a case where four thousand Chinese were herded together and exposed to the danger of death by starvation. I cannot enter into a discussion as to whether such a situation occurred or not. There is a Commission there, and we expect reports from that Commission at any time."

He then proceeded to give many quotations from the Jogjakarta radio and Republican army communiques. Mr. van Kleffens later continued:

"I shall not go into the very partial and one-sided enumeration of the supposed infractions of the cease fire order which the Polish representative imputed to us. I can only say that the list was characterized by the mention of paratroops which we had used. Well, it is perhaps a pity for us, but we have no paratroops.

"The cease-fire order, or invitation, means very little if the Republican troops and marauding bands do not stop their murder and destruction. I wish to submit to the Council that a very difficult position arises when it is the Central Republican Government or the Command of Republican troops who incite, by radio, to cruelty, sabotage, destruction and subversive action of all kinds.

"I have here a number of instances thereof, which I shall be happy to transmit to the Council. These include transcripts of actual radio broadcasts from Jogjakarta. I shall only quote two at this moment. The Republican General Sutomo said on August 17, 'Burn every house of the Dutch, burn everything; to murder a Dutchman is easy enough; he cannot stay

awake eternally.' etc. The Prime Minister on August 21 stated, 'Our country will continue to do everything to harm the enemy.'

"These statements can be easily multiplied. They are the clearest incitement to violence. I believe that it is clear if that continues it will inevitably be seen that, through no fault of ours, the cease-fire invitation has not been complied with by the Republic. If so, we will, of course, have to determine how to meet such a factual situation.

"I submit that if the Polish resolution is adopted—and I have not the slightest objection to it being adopted, and we shall do our utmost to abide by it—it will mean, first and foremost, that the Security Council thereby requires the Republic to refrain from such subversive action as I have just mentioned.

"I shall henceforth try to inform the Council, without prejudice to the question of jurisdiction, of further incitement by the Republican authorities to the acts complained of. This is reality, and I am afraid that all the rest is theory."

The resolutions adopted by the Security Council were as follows:

I.

August 1, 1947

THE SECURITY COUNCIL

NOTING with concern the hostilities in progress between the armed forces of the Netherlands and the Republic of Indonesia, CALLS UPON the parties

- (a) to cease hostilities forthwith, and
- (b) to settle their disputes by arbitration or by other peaceful means and keep the Security Council informed about the progress of the settlement.

II.

August 25, 1947

A.

WHEREAS the Security Council on 1 August 1947, called upon the Netherlands and the Republic of Indonesia to cease hostilities forthwith,

AND WHEREAS communications have been received from the Governments of the Netherlands and of the Republic of Indonesia advising that orders have been given for the cessation of hostilities.

AND WHEREAS it is desirable that steps should be taken to avoid disputes and friction relating to the observance of the "cease fire" orders, and to create conditions which will facilitate agreement between the parties.

THE SECURITY COUNCIL

- 1. notes with satisfaction the steps taken by the parties to comply with the resolution of 1 August 1947,

2. notes with satisfaction the statement by the Netherlands Government issued on 11 August, in which it affirms its intention to organize a sovereign, democratic United States of Indonesia in accordance with the purpose of the Linggadjati Agreement,
3. notes that the Netherlands Government intends immediately to request the career consuls stationed in Batavia jointly to report on the present situation in the Republic of Indonesia,
4. notes that the Government of the Republic of Indonesia has requested appointment by the Security Council of a commission of observers,
5. requests the Governments members of the Council who have career consular representatives in Batavia to instruct them to prepare jointly for the information and guidance of the Security Council reports on the situation in the Republic of Indonesia following the Resolution of the Council of 1 August 1947, such reports to cover the observance of the "cease fire" orders and the conditions prevailing in areas under military occupation or from which armed forces now in occupation may be withdrawn by agreement between the parties,
6. requests the Governments of the Netherlands and of the Republic of Indonesia to grant to the representatives referred to in paragraph 5. all facilities necessary for the effective fulfillment of their mission,
7. resolves to consider the matter further should the situation require.

B.

THE SECURITY COUNCIL

RESOLVES to tender its good offices to the parties in order to assist in the pacific settlement of their dispute in accordance with paragraph (B) of the Resolution of the Council of 1 August 1947. The Council expresses its readiness, if the parties so request, to assist in the settlement through a committee of the Council consisting of three members of the Council, each party selecting one, and the third to be designated by the two so selected.

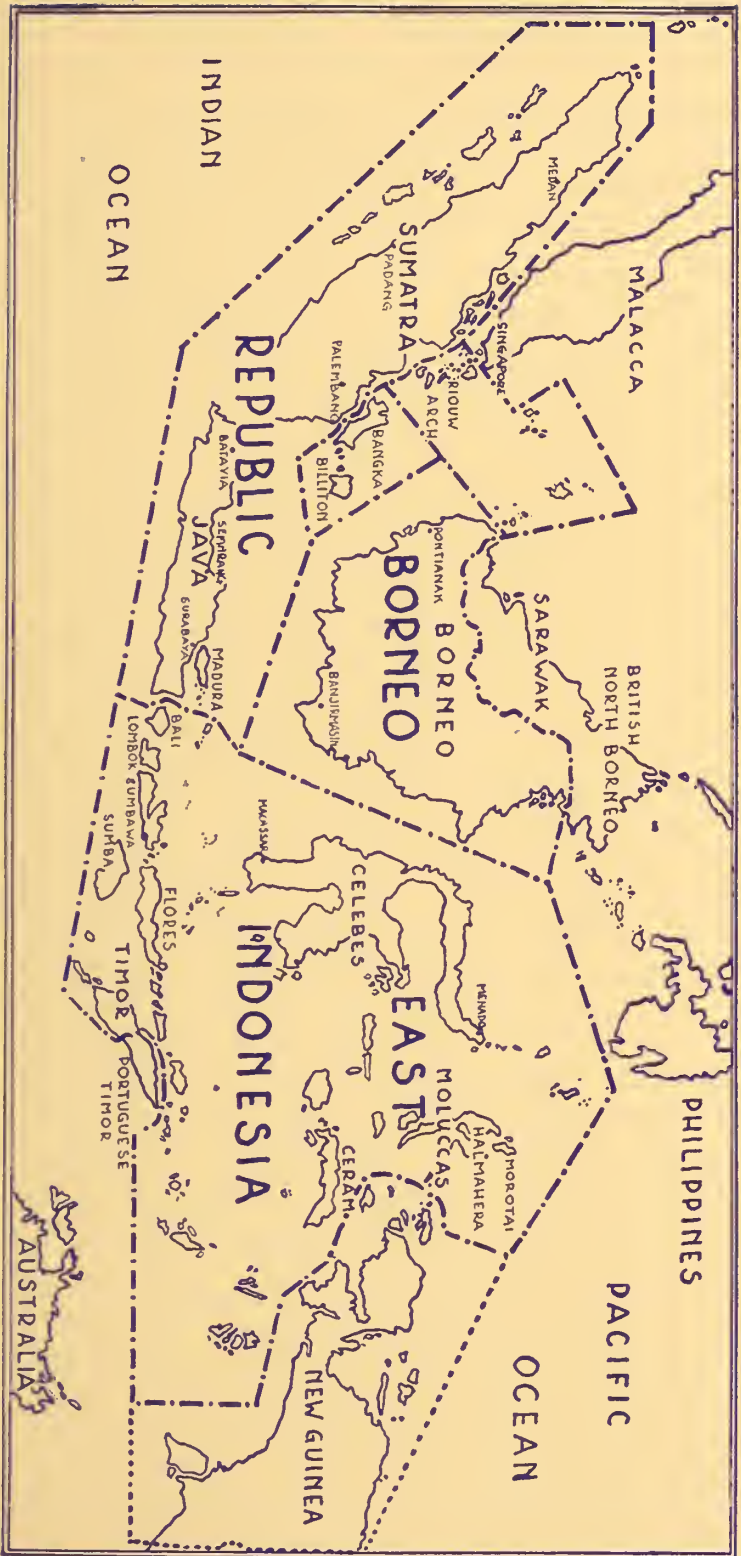
III.

August 26, 1947

THE SECURITY COUNCIL

TAKING into consideration that military operations are being continued on the territory of the Indonesian Republic:

1. reminds the Government of the Netherlands and the Government of the Indonesian Republic of its resolution of 1 August 1947, concerning the "cease fire order" and peaceful settlement of their dispute;
2. calls upon the Government of the Netherlands and the Government of the Indonesian Republic to adhere strictly to the recommendation of the Security Council of 1 August 1947.



MAP OF INDONESIA



